



MICHIGAN
HOUSE OF REPRESENTATIVES
P.O. Box 30014
LANSING, MICHIGAN 48909-7514

HOUSE STANDING COMMITTEE ON APPROPRIATIONS

Tuesday, April 19th, 2016 10:30 a.m. Room 352 State Capitol Building

Representative Pscholka, Chair, called the meeting to order.

Chair Pscholka requested attendance be called to establish a quorum of the appointed committee members:

Present: Reps. Pscholka, Bumstead, Jenkins, Muxlow, Poleski, Potvin, Kelly, McCready, Pagel, VerHeulen, Victory, Afendoulis, Bizon, Canfield, Cox, Garcia, Inman, Aaron Miller, Santana, Irwin, Roberts, Banks, Faris, Singh, Yanez, Zemke, Durhal, Hoadley and Pagan.

Absent: None.

Excused: None.

Representative Afendoulis moved to approve the minutes from the April 13th, 2016 meeting.

There being no objection, the motion was approved by unanimous consent.

The Chair laid Legislative Transfer Request 2016-3 before the committee.

William Hamilton, representing the House Fiscal Agency, testified on the transfer request. Questions and discussion followed.

Representative McCready moved to approve Legislative Transfer Request 2016-3. The motion prevailed by a vote of 28-0-0.

FAVORABLE ROLL CALL:

Yeas: Reps. Pscholka, Bumstead, Jenkins, Muxlow, Poleski, Potvin, Kelly, McCready, Pagel, VerHeulen, Victory, Afendoulis, Bizon, Canfield, Cox, Garcia, Inman, Aaron Miller, Santana, Irwin, Roberts, Banks, Faris, Singh, Yanez, Zemke, Hoadley and Pagan.

Nays: None.

Pass: None.

The Chair laid HB 5294 before the committee:

HB 5294 (Pscholka)	Appropriations; zero budget; omnibus budget appropriations; provide for.
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Representative Bumstead moved to adopt substitute (H-1) Draft 1 for HB 5294. The motion prevailed by a vote of 28-0-0.

FAVORABLE ROLL CALL:

Yeas: Reps. Pscholka, Bumstead, Jenkins, Muxlow, Poleski, Potvin, Kelly, McCready, Pagel, VerHeulen, Victory, Afendoulis, Bizon, Canfield, Cox, Garcia, Inman, Aaron Miller, Santana, Irwin, Roberts, Banks, Faris, Singh, Yanez, Zemke, Hoadley and Pagan.

Nays: None.

Pass: None.

Representative Singh offered the following amendment for HB 5294, as substitute (H-1) Draft 1:

1. Amend page 5, line 27, by inserting:

“Michigan animal agriculture innovation and workforce development initiative..... \$100.”
and adjusting subtotals, totals, and section 201 accordingly.

Kyle Jen and William Hamilton, representing the House Fiscal Agency, testified on the Michigan Department of Agriculture and Rural Development’s budget section of the bill. Questions and discussion followed.

Representative Singh explained the amendment.

Representative Singh moved to adopt the amendment for HB 5294, as substituted (H-1) Draft 1. The motion did not prevail by a vote of 10-18-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Santana, Irwin, Roberts, Banks, Faris, Singh, Yanez, Zemke, Hoadley and Pagan.

Nays: Reps. Pscholka, Bumstead, Jenkins, Muxlow, Poleski, Potvin, Kelly, McCready, Pagel, VerHeulen, Victory, Afendoulis, Bizon, Canfield, Cox, Garcia, Inman and Aaron Miller.

Pass: None.

Representative Irwin offered the following amendment for HB 5294, as substituted (H-1) Draft 1:

1. Amend page 26, following line 17, by inserting:

“The department shall develop a model ordinance and guidelines to assist the implementation of urban agriculture within municipalities with a census population of 100,000 person or greater. The model ordinance and guidelines required under this section shall include land use and zoning recommendations, recommendations regarding large and small livestock animal units, and non-recommended commercial agriculture crops.”.

Representative Irwin explained the amendment.

Representative Irwin moved to adopt the amendment for HB 5294, as substituted (H-1) Draft 1. The motion did not prevail by a vote of 12-16-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Kelly, Canfield, Santana, Irwin, Roberts, Banks, Faris, Singh, Yanez, Zemke, Hoadley and Pagan.

Nays: Reps. Pscholka, Bumstead, Jenkins, Muxlow, Poleski, Potvin, McCready, Pagel,

VerHeulen, Victory, Afendoulis, Bizon, Cox, Garcia, Inman and Aaron Miller.

Pass: None.

Robin Risko, representing the House Fiscal Agency, testified on the Michigan Department of Corrections' budget section of the bill. Questions and discussion followed.

Representative Durhal offered the following amendments to HB 5294, as substituted (H-1) Draft 1:

1. Amend page 32, line 24 by striking out
"Prison food service..... 54,455,900" and inserting:
"Prison food service—370.0 FTE positions..... 66,455,900"
and adjusting the subtotals, totals, and section 201 accordingly.
2. Amend page 76, following line 10, by inserting:
"Sec. 943. Funds appropriated in part 1 shall not be used by the department to contract for the provision of prison food service. The state shall exercise its right to terminate the current prison food service contract, either for cause, for convenience, or for non-appropriation, as authorized under sections 2.152, 2.153, and 2.154 of the contract."

Representative Durhal introduced the amendments.

Representative Durhal moved to adopt the amendments to HB 5294, as substituted (H-1) Draft 1. The motion did not prevail by a vote of 11-18-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Santana, Irwin, Roberts, Banks, Faris, Singh, Yanez, Zemke, Durhal, Hoadley and Pagan.

Nays: Reps. Pscholka, Bumstead, Jenkins, Muxlow, Poleski, Potvin, Kelly, McCready, Pagel, VerHeulen, Victory, Afendoulis, Bizon, Canfield, Cox, Garcia, Inman and Aaron Miller.

Pass: None.

Samuel Christensen, representing the House Fiscal Agency, testified on the Michigan Department of Education's budget section of the bill.

Representative Potvin testified on the bill.

Representative Pagan offered the following amendment to HB 5294, as substituted (H-1) Draft 1:

1. Amend page 105, following line 12, by inserting:
"(k) The number of child care facilities by type (Licensed Centers, Licensed Group Homes, Registered Family Homes, and Unlicensed Providers) and the number of children for each type and listed by the quality star rating system for children ages 0 to 3 in a city where there is a drinking water declaration of emergency and served by the child development and care program."

Representative Pagan introduced the amendment.

Representative Pagan moved to adopt the amendment for HB 5294, as substituted (H-1) Draft 1.

The motion did not prevail, by a vote of 12-17-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Potvin, Santana, Irwin, Roberts, Banks, Faris, Singh, Yanez, Zemke, Durhal, Hoadley and Pagan.

Nays: Reps. Pscholka, Bumstead, Jenkins, Muxlow, Poleski, Kelly, McCready, Pagel, VerHeulen, Victory, Afendoulis, Bizon, Canfield, Cox, Garcia, Inman and Aaron Miller.

Pass: None.

Representative Pagan offered the following amendment for HB 5294, as substituted (H-1) Draft 1:

1. Amend page 102, line 13, after "program" by striking out "from 121% of the federal poverty guidelines to 125% of the federal poverty guidelines." and inserting "to allow flexibility to determine the highest entrance threshold percentage possible, while still have a sustainable program".

Representative Pagan moved to adopt the amendment for HB 5294, as substituted (H-1) Draft 1. The motion did not prevail by a vote of 11-18-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Santana, Irwin, Roberts, Banks, Faris, Singh, Yanez, Zemke, Durhal, Hoadley and Pagan.

Nays: Reps. Pscholka, Bumstead, Jenkins, Muxlow, Poleski, Potvin, Kelly, McCready, Pagel, VerHeulen, Victory, Afendoulis, Bizon, Canfield, Cox, Garcia, Inman and Aaron Miller.

Pass: None.

Representative Pagan offered the following amendments for HB 5294, as substituted (H-1) Draft 1:

1. Amend page 78, line 18, by inserting:
"State board of education, per diem payments..... \$ 24,400"
and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 94, following line 20, by inserting:
"Sec. 302. From the amount appropriated in part 1 to the state board of education, not more than \$35,000.00 for the first fiscal year ending September 30, 2016 shall be expended for in-state travel and out-of-state travel directly related to the duties of the state board of education."

Representative Pagan moved to adopt the amendments for HB 5294, as substituted (H-1) Draft 1. The motion did not prevail by a vote of 11-18-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Santana, Irwin, Roberts, Banks, Faris, Singh, Yanez, Zemke, Durhal, Hoadley and Pagan.

Nays: Reps. Pscholka, Bumstead, Jenkins, Muxlow, Poleski, Potvin, Kelly, McCready, Pagel, VerHeulen, Victory, Afendoulis, Bizon, Canfield, Cox, Garcia, Inman and Aaron Miller.

Pass: None.

The Chair laid the committee at ease, the time being 11:34 a.m.

The Chair called the committee back to order, the time being 11:45 a.m.

Austin Scott, representing the House Fiscal Agency, and Amy Epkey, representing the Michigan Department of Environmental Quality, testified on the Michigan Department of Environmental Quality's budget section of the bill. Questions and discussion followed.

Representative Roberts offered the following amendment for HB 5294, as substituted (H-1) Draft 1:

1. Amend page 117, following line 20 by striking out:
"Recycling initiative—3.0 FTE positions..... \$1,008,700" and inserting:
"Recycling initiative—3.0 FTE positions..... \$5,000,000"
and adjusting the subtotals, totals, and section 201 accordingly.

Representative Roberts introduced the amendment.

Representative Roberts moved to adopt the amendment for HB 5294, as substituted (H-1) Draft 1. The motion did not prevail, by a vote of 11-18-0

UNFAVORABLE ROLL CALL:

Yeas: Reps. Santana, Irwin, Roberts, Banks, Faris, Singh, Yanez, Zemke, Durhal, Hoadley and Pagan.

Nays: Reps. Pscholka, Bumstead, Jenkins, Muxlow, Poleski, Potvin, Kelly, McCready, Pagel, VerHeulen, Victory, Afendoulis, Bizon, Canfield, Cox, Garcia, Inman and Aaron Miller.

Pass: None.

Representative Roberts offered the following amendments to HB 5294, as substituted (H-1) Draft 1:

1. Amend page 114, following line 5, by inserting:
"Green infrastructure grants to control stormwater runoff..... \$1,000,000"
and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 138, following line 3, by inserting:
"Sec. 406. From the funds appropriated in part 1 for the green infrastructure grants to control storm water runoff program, the Department shall create a competitive grant program and award grants to local units of government for green infrastructure projects that help control storm water runoff and reduce pollution impacts to waterways."

Representative Roberts explained the amendments.

Representative Roberts moved to adopt the amendments for HB 5294, as substituted (H-1) Draft 1. The motion did not prevail by a vote of 11-18-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Santana, Irwin, Roberts, Banks, Faris, Singh, Yanez, Zemke, Durhal, Hoadley and Pagan.

Nays: Reps. Pscholka, Bumstead, Jenkins, Muxlow, Poleski, Potvin, Kelly, McCready, Pagel, VerHeulen, Victory, Afendoulis, Bizon, Canfield, Cox, Garcia, Inman and Aaron Miller.

Pass: None.

Representative Roberts offered the following amendment to HB 5294, as substituted (H-1) Draft 1:

1. Amend page 139, following line 25, by inserting:

“Sec. 605. (1) With the money appropriated in part 1, prior to issuing a permit or authorizing the use of an oil or gas well for hydraulic fracturing, if the department receives a request from the city, village, or township in which the oil or gas well is located or from any person who is or may be adversely impacted by the hydraulic fracturing operation, the department shall hold a public hearing in the city, village, or township or the country in which the oil or gas well is located prior to making a decision on the application. At the public hearing, the department shall allow interested parties to provide written comments and recommendations to the supervisor pertaining to the application. The supervisor shall consider all such comments and recommendations in reviewing the application.

(2) As used in this section, "hydraulic fracturing" means injecting foam or fluid in a well under pressure to create fractures in a formation and there by enhance production of hydrocarbons.".

Representative Roberts moved to adopt the amendment to HB 5294, as substituted (H-1) Draft 1. The motion did not prevail by a vote of 11-18-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Santana, Irwin, Roberts, Banks, Faris, Singh, Yanez, Zemke, Durhal, Hoadley and Pagan.

Nays: Reps. Pscholka, Bumstead, Jenkins, Muxlow, Poleski, Potvin, Kelly, McCready, Pagel, VerHeulen, Victory, Afendoulis, Bizon, Canfield, Cox, Garcia, Inman and Aaron Miller.

Pass: None.

Representative Roberts offered the following amendment to HB 5294, as substituted (H-1) Draft 1:

1. Amend page 140, following line 21, by inserting:

"Sec . 802 . The Department shall provide a quarterly report on the FTEs appropriated in part 1 for drinking water declaration of emergency. This report shall include FTEs in pay status by civil service classification including detailed program changes, adaptations, and reassignments. This report shall be provided to the House and Senate appropriations subcommittees on environmental quality.".

Representative Roberts explained the amendment.

Representative Roberts moved to adopt the amendment to HB 5294, as substituted (H-1) Draft 1.

The motion did not prevail by a vote of 11-18-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Santana, Irwin, Roberts, Banks, Faris, Singh, Yanez, Zemke, Durhal, Hoadley and Pagan.

Nays: Reps. Pscholka, Bumstead, Jenkins, Muxlow, Poleski, Potvin, Kelly, McCready, Pagel, VerHeulen, Victory, Afendoulis, Bizon, Canfield, Cox, Garcia, Inman and Aaron Miller.

Pass: None.

Representative Roberts offered the following amendment for HB 5294, as substituted (H-1) Draft 1:

1. Amend page 124, following line 20, by inserting:

"Sec. 207. The department and agencies receiving appropriations in part 1 shall receive and retain copies of all reports funded from appropriations in part 1 and post these reports on the department website. Federal and state guidelines for short-term and long-term retention of records shall be followed. The department may electronically retain copies of reports unless otherwise required by federal and state guidelines."

Representative Roberts introduced the amendment.

Representative Roberts moved to adopt the amendment for HB 5294, as substituted (H-1) Draft 1. The motion did not prevail by a vote of 11-18-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Santana, Irwin, Roberts, Banks, Faris, Singh, Yanez, Zemke, Durhal, Hoadley and Pagan.

Nays: Reps. Pscholka, Bumstead, Jenkins, Muxlow, Poleski, Potvin, Kelly, McCready, Pagel, VerHeulen, Victory, Afendoulis, Bizon, Canfield, Cox, Garcia, Inman and Aaron Miller.

Pass: None.

Representative Roberts offered the following amendment for HB 5294, as substituted (H-1) Draft 1:

1. Amend page 137, following line 9, by inserting:

"Sec . 313 . Lead and copper monitoring reports required by Administrative Rule R 325.10710d and issued in accordance with 1976 PA 399 must be provided by the department to the legislative bodies of the local jurisdiction from which test samples were drawn within thirty days of completion . Local jurisdictions may include counties, cities, villages, and townships."

Representative Roberts introduced the amendment. Questions and discussion followed.

Representative Roberts moved to adopt the amendment to HB 5294, as substitute (H-1) Draft 1. The motion did not prevail by a vote of 11-18-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Santana, Irwin, Roberts, Banks, Faris, Singh, Yanez, Zemke, Durhal, Hoadley and Pagan.

Nays: Reps. Pscholka, Bumstead, Jenkins, Muxlow, Poleski, Potvin, Kelly, McCready, Pagel, VerHeulen, Victory, Afendoulis, Bizon, Canfield, Cox, Garcia, Inman and Aaron Miller.

Pass: None.

Representative Irwin offered the following amendment for HB 5294, as substituted (H-1) Draft 1:

1. Amend page 138, following line 20, by inserting:

"Sec. 505. The department must consult with air emissions permit applicants whose facilities are located in areas out of compliance with the United States Environmental Protection Agency's national ambient air quality standards and are located within 1500 feet of a residential neighborhood to develop plans for vegetative buffers prior to issuing or renewing an air emission permit." .

Representative Irwin explained the amendment.

Representative Irwin moved to adopt the amendment for HB 5294, as substituted (H-1) Draft 1. The motion did not prevail by a vote of 11-18-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Santana, Irwin, Roberts, Banks, Faris, Singh, Yanez, Zemke, Durhal, Hoadley and Pagan.

Nays: Reps. Pscholka, Bumstead, Jenkins, Muxlow, Poleski, Potvin, Kelly, McCready, Pagel, VerHeulen, Victory, Afendoulis, Bizon, Canfield, Cox, Garcia, Inman and Aaron Miller.

Pass: None.

Representative Banks offered the following amendment for HB 5294, as substituted (H-1) Draft 1:

1. Amend page 138, following line 20, by inserting :

"Sec. 504 . The department may not issue an air emissions permit to an applicant who would increase air pollution in the sulfur dioxide nonattainment area as designated by the United States Environmental Protection Agency in Wayne County until there is a state or federal implementation plan approved for sulfur dioxide.".

Representative Banks explained the amendment.

Representative Banks moved to adopt the amendment for HB 5294, as substituted (H-1) Draft 1. The motion did not prevail by a vote of 11-18-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Santana, Irwin, Roberts, Banks, Faris, Singh, Yanez, Zemke, Durhal, Hoadley and Pagan.

Nays: Reps. Pscholka, Bumstead, Jenkins, Muxlow, Poleski, Potvin, Kelly, McCready, Pagel,

VerHeulen, Victory, Afendoulis, Bizon, Canfield, Cox, Garcia, Inman and Aaron Miller.
Pass: None.

Representative Durhal offered the following amendments for HB 5294, as substituted (H-1) Draft 1:

1. Amend page 116, following line 24 by inserting:
"Sulfur dioxide nonattainment area public health study..... \$ 500,000"
2. Amend page 117, line 8, by striking out "4,404,300" and inserting "4,904,300" and adjusting the subtotals, totals, and section 201 accordingly.
3. Amend page 138, following line 20, by inserting:
"Sec. 503. From the appropriation in part 1 for sulfur dioxide nonattainment area public health study, there is allocated an amount of \$500,000.00 for the completion of a study on the impact of air quality on public health in Wayne County's sulfur dioxide nonattainment area as defined by the United States Environmental Protection Agency. This study will evaluate the impact of air pollutants on local public health. Pollutants to be studied include, but are not limited to, the following: sulfur dioxide (SO₂), oxides of nitrogen (NO_x), volatile organic compounds (VOCs), and particulate matter of less than 2.5 micrometers in diameter (PM_{2.5}).".

Representative Durhal explained the amendments.

Representative Durhal moved to adopt the amendments for HB 5294, as substituted (H-1) Draft 1. The motion did not prevail by a vote of 11-18-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Santana, Irwin, Roberts, Banks, Faris, Singh, Yanez, Zemke, Durhal, Hoadley and Pagan.

Nays: Reps. Pscholka, Bumstead, Jenkins, Muxlow, Poleski, Potvin, Kelly, McCready, Pagel, VerHeulen, Victory, Afendoulis, Bizon, Canfield, Cox, Garcia, Inman and Aaron Miller.

Pass: None.

Representative Irwin offered the following amendments for HB 5294, as substituted (H-1) Draft 1:

1. Amend page 118, following line 2 by inserting :
"Flint declaration of emergency \$ 55,000,000".
2. Amend page 119, line 6, by striking out "4,366,100" and inserting "59,366,100" and adjusting the subtotals, totals, and section 201 accordingly.
3. Amend page 139, following line 25, by inserting:
"Sec. 606. (1) From the funds appropriated in part 1 for the Flint declaration of emergency, \$55,000,000.00 shall be utilized to remove and replace all lead-contaminated service lines in the Flint water distribution system.
(2) The first priority for removal and replacement of pipes under subsection (1) shall be for high-risk households with pregnant women and children.".

Representative Irwin explained the amendments. Questions and discussion followed.

Representative Irwin moved to adopt the amendments for HB 5294, as substituted (H-1) Draft 1. The motion did not prevail by a vote of 11-18-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Santana, Irwin, Roberts, Banks, Faris, Singh, Yanez, Zemke, Durhal, Hoadley and Pagan.

Nays: Reps. Pscholka, Bumstead, Jenkins, Muxlow, Poleski, Potvin, Kelly, McCready, Pagel, VerHeulen, Victory, Afendoulis, Bizon, Canfield, Cox, Garcia, Inman and Aaron Miller.

Pass: None.

Representative Irwin offered the following amendment for HB 5291, as substituted (H-1) Draft 1:

1. Amend page 138, following line 14, by inserting:
"Sec . 408. The department shall not issue a permit for a fish farm unless an environmental impact assessment of the applicant site has been completed. The proper waste water treatment procedures as recommended by the environmental impact assessment must also be implemented prior to permit issuance."

Representative Irwin moved to adopt the amendments for HB 5294, as substituted (H-1) Draft 1. The motion did not prevail by a vote of 11-18-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Santana, Irwin, Roberts, Banks, Faris, Singh, Yanez, Zemke, Durhal, Hoadley and Pagan.

Nays: Reps. Pscholka, Bumstead, Jenkins, Muxlow, Poleski, Potvin, Kelly, McCready, Pagel, VerHeulen, Victory, Afendoulis, Bizon, Canfield, Cox, Garcia, Inman and Aaron Miller.

Pass: None.

Representative Irwin offered the following amendment for HB 5294, as substitute (H-1) Draft 1:

1. Amend page 138, following line 14, by inserting:
"Sec. 409. The department must conduct monthly ambient water quality testing down river from any permitted fish farm in order to monitor environmental impact and make recommendations for required remediation. The department requires sampling of ambient water quality after effluent has mixed with a river to evaluate whether water quality standards are being met and to determine the level of degradation. The department must use bio assessment monitoring in downstream areas in addition to monitoring phosphorus and total suspended solids."

Representative Irwin withdrew the amendment.

Representative Irwin offered the following amendment for HB 5294, as substitute (H-1) Draft 1:

1. Amend page 138, following line 14, by inserting:

"Sec. 410. From the funds appropriated in Part 1, \$150,000.00 is appropriated to study fish farms and effluence discharge in Michigan water bodies.".

Representative Irwin withdrew the amendment.

Representative Irwin offered the following amendments for HB 5294, as substitute (H-1) Draft 1:

1. Amend page 113, line 19, by striking out "15,871,800" and inserting "16,021,800".
2. Amend page 115, line 4, by striking out "18,196,100" and inserting "18,346,100" and adjusting the subtotals, totals, and section 201 accordingly.
2. Amend page 138, following line 14, by inserting:
"Sec. 410. From the funds appropriated in Part 1 for surface water, \$150,000.00 is appropriated to study fish farms and effluence discharge in Michigan water bodies.".

Representative Irwin withdrew the amendments.

There being no further business to come before the committee, the Chair adjourned the meeting, the time being 12:25 p.m.

Representative Pscholka, Chair

Matthew Carnagie
Committee Clerk
April 19th, 2016

Date Approved and Signed